

1 LEONARD J. McDONALD (SBN 014228)
KEVIN P. NELSON (SBN 023381)



3 THIRD FLOOR CAMELBACK ESPLANADE II
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7 ATTORNEYS FOR DEFENDANTS WELLS FARGO BANK, NA
AND LEHMAN BROTHERS BANK, FSB

8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF ARIZONA**

10 ANDREW C. BAILEY,

(Chapter 11)

11 Plaintiff,

Case No. 2:09-bk-06979-RTBP

12 vs.

Adv. No. 2:09-ap-01731-RTBP

13
14 WELLS FARGO BANK NA a/k/a
15 WELLS FARGO HOME MORTGAGE
16 (Wells), LEHMAN BROTHERS BANK
17 FSB (Lehman), and all persons claiming
18 by, through, or under such person, all
19 persons unknown, claiming any legal or
20 equitable right, title, estate, lien, or
interest in the property described in the
complaint adverse to Plaintiff's title
thereto; and JOHN DOES "1-1000"
inclusive.

NOTICE OF HEARING

21 Defendants.

22 **NOTICE IS HEREBY GIVEN** that:

23 A hearing in the above-entitled cause will be held at the U.S. Bankruptcy Court,
24 230 N. First Avenue, 7th Floor, Courtroom 703, Phoenix, Arizona, before the Honorable
25 Redfield T. Baum on June 30, 2010, at 10:00 a.m. to consider and act on the following
26 matter:

1 **DEFENDANTS WELLS FARGO BANK, N.A. AND LEHMAN BROTHERS**
2 **BANK, FSB'S MOTION TO DISMISS SECOND AMENDED COMPLAINT FOR**
3 **LACK OF STANDING, BREACH OF CONTRACT, DAMAGES FOR FRAUD,**
4 **QUIET TITLE, EMERGENCY INJUNCTIVE RELIEF**

5 Pursuant to Local Bankruptcy Rule 9013(1)(c), the party responding to the motion
6 shall have 14 days after service within which to serve and file a responsive memorandum,
7 and the moving party shall have 14 days after service of the responsive memorandum to
8 serve and file a reply.

9
10 RESPECTFULLY SUBMITTED this 26th day of May, 2010.

11 **TIFFANY & BOSCO, P.A.**

12
13 By: /s/ Kevin P. Nelson
14 Leonard J. McDonald
15 Kevin P. Nelson
16 2525 E. Camelback Road, 3rd Floor
17 Phoenix, Arizona 85016-4237
18 ATTORNEYS FOR DEFENDANTS WELLS FARGO BANK,
19 NA AND LEHMAN BROTHERS BANK, FSB

20 ORIGINAL filed electronically with the United
21 States Bankruptcy Court, District of Arizona,
22 this 26th day of May, 2010, and a copy mailed
23 the 26th day of May, 2010 to:

24 Andrew C. Bailey
25 2500 N. Page Springs Rd.
26 Cornville, AZ 86325
 Plaintiff/Debtor pro se

1 U.S. Trustee
2 Office of the U.S. Trustee
230 N. First Ave.
3 Suite 204
Phoenix, AZ 85003
4

5 Jennifer A. Giaimo
Office of the U.S. Trustee
6 230 N. First Ave., # 204
Phoenix, AZ 85003-1706
7

8 Larry Lee Watson
Office of the U.S. Trustee
9 230 N. First Ave., # 204
Phoenix, AZ 85003-1706
10

11 /s/ Brady R. Cullimore

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